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FLOOR DEBATE

March 23, 2001 LB 773

advanced to General File, I do have committee amendments, Mr. President. (AM0990, Legislative Journal page 1105.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Kruse, you're recognized to open on LB 773.

SENATOR KRUSE: Mr. President and members, I will not take a long time with this because the bill is fairly straightforward. This is a bill that presents a way to take care of three loopholes in DUI legislation; does not change legislative intent as far as we can tell from the original; is brought by county attorneys and city attorneys who have found that in enforcing the DUI statutes which we have provided that there are some gaps in the language. Number one, a DUI offender who causes serious bodily injury in the offense cannot be charged with a second offense if that...if the person were to be picked up again because it does not enhance. At the same time, if that offender does not injure somebody the first time around, then a second time would be a second offense. This is ridiculous, obviously, and was not legislative intent. The problem here is that the person is...has been convicted of a DUI felony and the other is a misdemeanor. So on page 2, line 18, the section number is added in order to allow this to be enhanced. It would be enhanced on another serious bodily injury charge, but not otherwise. Number two, the description...the printed description in the agenda relates to this one, but is not accurate in its description. The Legislature has already authorized the conviction of another state to be used as a prior conviction as an enhancement, as we call it. The attorneys tell us that in doing this they have found that it's fairly easy to do. That was a question that the Legislature had at that time, whether these prior convictions in other places would be obtainable, and my understanding is that they are through the national connections. However, in doing this, they found that some of the DUI ordinances were by city, by municipality. For instance, Atlanta has its own DUI ordinances under the permission of that state. So, on page 2, line 20...lines 24 and following, you'll find the language of a municipality added to that of the state, and so on through the rest of the bill where it is appropriate. Number three, on page 3, lines 10 through 12 direct that an offender be ordered not to drive. But there is